

PROJUSTICE

USAID/PROMOTING AND STRENGTHENING JUSTICE IN THE DEMOCRATIC REPUBLIC OF CONGO PROJECT

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ACRONYMS

ABA-ROLI	American Bar Association—Rule of Law Initiative
AFEMAC	<i>Association des Femmes Magistrates Congolaises</i> Congolese Women Magistrates Association
ASF	<i>Avocats sans Frontières</i> Lawyers Without Borders
CDF	Congolese Franc
CDJP	<i>Commission Diocésaine « Justice et Paix »</i> Diocesan Justice and Peace Commission
CEPROSOC	<i>Centre pour la Promotion Sociale et Communautaire</i> Center for Social and Community Advancement
CFMUDEMA	<i>Collectif des Femmes Musulmanes pour le Développement de Maniema</i> Action Group of Muslim Women for the Development of Maniema
CND	<i>Chambre Nationale de Discipline</i> National Disciplinary Board
COR	Contracting Officer's Representative
CPD	<i>Chambre Provinciale de Discipline</i> Provincial Disciplinary Board
CSM	<i>Conseil Supérieur de la Magistrature</i> High Judicial Council
CSM-PS	CSM Permanent Secretariat
CSO	Civil Society Organization
DRC	Democratic Republic of Congo
EFRPJ	<i>École de Formation et de Recyclage du Personnel Judiciaire</i> School for the Training and Redeployment of Judicial Staff
FOMEKA	<i>Fondation Monseigneur Emmanuel Kataliko</i> Monsignor Emmanuel Kataliko Foundation
FY	Fiscal Year
HBM	<i>Haki Za Binadamu</i> Space for Human Rights
IDL	<i>Institut pour la Démocratie et le Leadership Politique</i> Institute for Democracy and Political Leadership
LBA	Lubumbashi Bar Association
LD	<i>Ligue pour le Droit de la Femme Congolaise</i> Congolese Women's Rights League
MOJHR	Ministry of Justice and Human Rights
NGO	Non-Governmental Organization
OCET	<i>Œuvre Communautaire pour l'Éducation pour Tous</i> Community Action for Education for All
PAE	Pacific Architects and Engineers Group
PCC	Pilot Court Coordinator
PROSADEF	<i>Promotion de la Santé, des Droits de la Femme et de l'Enfant</i> Promotion of Health, Women's, and Children's Rights
RD	<i>Rôle Disciplinaire</i> Disciplinary Case
RTNC	<i>Radio-Télévision Nationale Congolaise</i> Congolese National Radio and Television
SDE	<i>Service de Documentation et des Études</i>

SGBV	Documentation and Study Service
	Sexual and Gender-Based Violence
TGI	<i>Tribunal de Grande Instance</i>
	First Instance Court
USAID	United States Agency for International Development
VB.NET	Visual Basic DotNet
VISO	<i>Vision Sociale</i>
	Social Vision

EXECUTIVE SUMMARY

COMPONENT 1

- During this quarter, ProJustice provided technical and financial support for disciplinary board hearings of the National Disciplinary Board, and the provincial disciplinary boards of Kinshasa-Matete and Bukavu.
- On November 23, 2012, the Communication Plan of the *Conseil Supérieur de la Magistrature*—High Judicial Council (CSM) was officially presented to the members of the CSM Permanent Secretariat (CSM-PS) for their final review and comments. After discussions, the plan was amended and its approval is expected by the CSM First President, in January or February 2013.
- During this quarter, the development of the Judicial Code has made significant progress. Following the layout of the code by the graphic designer, the Judicial Code is now ready to be reviewed and edited by legal experts. The review and edit of the code is expected to be completed by the second week of February.

COMPONENT 2

- ProJustice met on November 5 and December 12, 2012 with the CSM-PS to discuss a training module and dates for an upcoming training of justices of the peace on topics such as organization and role of peace tribunals, the hybrid role of the peace justices.
- From October 2–5, 2012, ProJustice supported the CSM in organizing a training of 33 magistrates (31 men, 2 women) in Bukavu (South Kivu province) focused on procedure before the courts. This training session was implemented jointly with the American Bar Association Rule of Law Initiative (ABA-ROLI).
- ProJustice conducted a final review and edit of training modules in financial management and strategic management courses. Following the modifications, the strategic management module has been reduced from 80 to 60 pages, and the financial management module from 50 to 42 pages. A total of 120 copies of the final versions of these documents (30 for each ProJustice pilot site) will be printed and used to conduct trainings in each of ProJustice's pilot sites (Bandundu, Bukavu, Kindu, and Lubumbashi) starting in January 2013.

COMPONENT 3

- To facilitate the traceability of case records in the court registries, ProJustice finalized the review during the quarter of the JudiciairePro case management software. Through this program, the courts will be able to provide statistical data relating to criminal cases and children in conflict with the law in more efficient way than the current system.
- ProJustice provided two computers and two printers to the Lubumbashi courts (one each to the Prosecutor General's Office and the clerk of the Lubumbashi Court of Appeals) to ensure the sustainable implementation of electronic case management. The project provided similar assistance to support the courts in Bukavu and Kindu.
- During this quarter, 108 inspections were carried out by the mobile courts in 77 detention centers within the four ProJustice pilot sites. In total, 580 people were accounted for in these centers (504 men, 43 women, 33 children) and 612 offenses were recorded and processed.

COMPONENT 4

- During this period, ProJustice developed and sent to print the guide for the organization and functioning of legal aid clinics. The guide will be made available to the project's grantees of the first, second, and third cycles, as well as to other civil society organizations (CSOs) following a distribution plan under development. The project plans to produce 1,000 copies of the document.
- Four monitoring missions were conducted by the project in the following locations: in Kalemie and Lubumbashi from December 2 to 8, 2012; in Bandundu from December 18 to 20, 2012; and in Kindu from December 15 to 22, 2012.
- ProJustice grantee *Promotion de la Santé des Droits de la Femme et Enfant* (Promotion of Health, Women's and Children's Rights, PROSADEF) organized two awareness-raising sessions during the reporting period on basic legal concepts and access to justice for 858 people (685 men, 173 women).

WINDOWS OF OPPORTUNITY

ProJustice is awaiting customs clearance for the legal books purchased using Windows of Opportunity funds to be delivered to the law department of the University of Kindu. The project expects delivery in mid-January.

1. QUARTER 17—ACTIVITIES AND RESULTS

1.1. COMPONENT 1: SUPPORT THE ESTABLISHMENT OF NEW JUDICIAL INSTITUTIONS

1.1.1. Component 1A: Establish Transparent Procedures for the Recruitment, Selection, Discipline, and Promotion of Magistrates

Transparent, Merit-Based Criteria for the Recruitment, Selection, Discipline, and Promotion of Magistrates Adopted and Implemented by the CSM

Participation of Women in the Magistracy

Despite treaties, resolutions, international conventions, and constitutional and statutory provisions advancing the status of women, female magistrates are underrepresented in the CSM and the judiciary in the Democratic Republic of the Congo (DRC). Only four of the 133 members (3 percent) of the CSM are women, and none of the members of the CSM Permanent Secretariat (CSM-PS) are women. Only two of 26 members (7.6 percent) of the Supreme Court are women. Of the 215 courts and prosecutors' offices of the DRC, women head only five (2.3 percent). No women serve at the High Military Court or in the Office of the Prosecutor General of the Armed Forces of the DRC.

One of ProJustice's primary tasks is to establish transparent mechanisms for recruitment and promotion of magistrates that engage and motivate more competent magistrates and improve the justice overall. An important part of this effort is increasing female representation.

During the quarter, ProJustice met with Marie-José Bimansha, president of the Congolese Women Magistrates Association (*Association des Femmes Magistrates Congolaises*, AFEMAC). Bimansha has recently been appointed as the new head of the Documentation and Study Service (*Service de Documentation et des Études*, SDE) of the Ministry of Justice. At the meeting, project staff reminded President Bimansha of the necessity to follow up on the promotion plans for magistrates, especially of those women magistrates who want to hold positions of authority within the country.

Thanks to project support, preparations are now ready for new assignments in the judiciary, especially for women who want to occupy positions of responsibility within the country. The situation in the eastern part of the DRC has created a blockage, though, as new magistrates are not willing to work in Goma in light of the ongoing violence in the region. Given this reluctance, and the fact that the few magistrates who remain there have a good knowledge of the context, the CSM feels that it is best not to move those who are there now. Therefore, the implementation of these reassignments has been delayed.

Technical Assistance to CSM Disciplinary Boards

The majority of magistrates in the DRC have limited knowledge of laws providing for disciplinary proceedings against magistrates who are in violation of their code of ethics. Despite a national legal system, there is no consistent enforcement of disciplinary rules. The disciplinary boards, an organ of the CSM meant to adjudicate alleged breaches of ethics and professional conduct codes, often come to inconsistent interpretations of how the laws should be enforced. Similarly, the internal regulations of the CSM provide that disciplinary boards should each be

granted \$10,000 annually to cover their operating costs, but the Congolese government has never allocated money to these bodies. In addition to the lack of state funding, heads of jurisdictions and offices (presidents of the courts and public prosecutors) generally ignore disciplinary procedures. To help overcome these deficiencies, and to promote a more functional and ethical magistracy, ProJustice has been providing technical and financial assistance to disciplinary boards in each of the four pilot sites.

During this quarter, ProJustice provided technical and material support for disciplinary board hearings of the National Disciplinary Board, and the provincial Disciplinary Boards of Kinshasa-Matete and Bukavu.

Chambre Nationale de Discipline (National Disciplinary Board, CND)

1. Rôle Disciplinaire, (Disciplinary Case, RD) 016/CPD/2012: CSM vs. An Auditor (Military Prosecutor) of the Bandundu Garrison

Breaches of Discipline:

- Abuse of power
 - The magistrate allegedly stole eight cows from the farm of one of the complainants.
 - The magistrate allegedly arrested and detained two other complainants in June 2012 for protesting against the slaughter of cows taken from their parents' farms.
- Torture
 - The magistrate allegedly forcibly bound one of the complainants to a cow with handcuffs and a rope and left him in this state for a week.
 - The magistrate allegedly interrogated the complainant while kicking him, striking him with a rifle butt, and threatening him.
 - The magistrate allegedly threatened to kill the complainant if the complainant did not agree to his version of the facts in the case and did not sign an affidavit to this effect.
- Malicious destruction
 - The magistrate allegedly slaughtered cows from Kongolo farm.
 - He allegedly caused the death of calves by shooting their mothers.
 - He allegedly destroyed two farms.
- Extortion
 - The magistrate allegedly stole eight cows from the farm of one of the complainants after holding everyone on the farm prisoner.
 - The magistrate allegedly brought a 12-gauge shotgun into the house of one of the complainants.
 - He allegedly forced a complainant to sign an affidavit whose facts had been obtained via torture.
- Misappropriation of seized property
 - The magistrate allegedly shot the cows taken from the two farms.
- Escape of prisoners
 - The magistrate allegedly assisted in the escape of a suspected thief from prison, whom he used to facilitate the commission of the aforementioned offenses.

Decision of the Board: As outlined in our August 2012 monthly report, the Bandundu Provincial Disciplinary Board heard this case in August 2012. The board recommended dismissal of the magistrate, pending approval of the President of the Republic. Not satisfied with that decision, the

magistrate filed an appeal with the National Disciplinary Board. With the support of ProJustice, the board heard the case this quarter, but has not yet rendered a decision.

2. Disciplinary Case 013/CND, Appeal CSM vs. A Deputy Prosecutor General of Gombé

Breach of Discipline: The magistrate allegedly received \$2,000 to revoke the business license of a store.

Decision of the Board: The magistrate was sentenced to three months suspension without pay.

3. RD 0014/CND, CSM vs. The First President of the Gombé Court of Appeals

Breach of Discipline: The magistrate allegedly has not held hearings for more than six months on numerous cases assigned to him.

Decision of the Board: The magistrate was sentenced to three months suspension without pay.

4. RD 006: CSM vs. An Uvira Deputy Prosecutor of the Republic

Breaches of discipline: The judge was accused of the following actions:

- Leaving his post in Kavumu without authorization from his superiors when he was the acting chief prosecutor—he left the office unattended while traveling to Fizi as part of a non-governmental organization (NGO) delegation
- Keeping several prisoners in clearly illegal detention for one month in Kavumu prison without having heard their cases or inspected the detention center
- Unlawfully releasing several defendants under provisional arrest
- Exhibiting irresponsible and insubordinate behavior by refusing to respond to the attorney general’s demand for an explanation of his conduct
- Raping a 14-year-old, an act for which criminal charges by the office of the Bukavu general prosecutor are pending

Decision of the Board: At a hearing on March 14, 2012, the Provincial Disciplinary Board recommended the magistrate be removed from office. Not satisfied with this decision, the magistrate appealed to the National Disciplinary Board, which heard the case in Bukavu on December 17, 2012. At the start of the case, the magistrate challenged the participation of two members of the board, as the magistrate stated they would not be impartial. Thus, the case was rescheduled to allow for a change in the composition of the board. The date for the next hearing is not yet fixed.



A magistrate speaks at hearings of the Bukavu Provincial Disciplinary Board, December 17, 2012.

Bukavu Disciplinary Board

Of six cases filed with the Disciplinary Board in November, only one has been addressed (case six); the remaining cases are listed here for informational purposes, as well as the case in which a decision was rendered.

1. CSM RD 022 vs. A Magistrate of the First Instance Court (*Tribunal de Grande Instance*; TGI) of Bukavu

Breach of Discipline: After seizing the property of a defendant, the magistrate allegedly recorded a decision to return certain items as an informal order, instead of as an official judgment. Since an order requires only a single signature, whereas a judgment requires signatures of all members of the tribunal, the magistrate is suspected of having accepted a payoff in exchange for the order.

2. CSM RD 021 vs. A Magistrate of the Bukavu TGI

Breach of Discipline: The magistrate allegedly traveled to Kinshasa without the permission of his superiors.

3. CSM RD 025 and 10 Complainants vs. The Chief of the Kavumu Secondary Prosecution

Breach of Discipline: The magistrate allegedly carried out arbitrary arrests.

4. CSM RD 026 vs. A Deputy Prosecutor of the Republic, Bukavu

Breach of Discipline: The magistrate allegedly carried out arbitrary arrests.

5. CSM RD 027 vs. A Deputy Prosecutor of the Republic, Bukavu

Breach of Discipline: The magistrate reportedly received a large sum of money to release a defendant, contradicting the instructions of his superiors.

6. CSM RD 019 vs. A Deputy Prosecutor of the Republic, Bukavu

Breach of Discipline: The magistrate allegedly arbitrarily destroyed property at a house belonging to the state, occupied by another magistrate.

Decision of the Board: The magistrate was acquitted.

Matete Disciplinary Board**1. RD 06 CSM vs. The President of the Kinshasa-Matete Court of Appeals****Breaches of Discipline:**

- The magistrate had refused to obey the order of the First President of the Supreme Court and President of the CSM requiring him to go to the Kinshasa-Matete Court of Appeals to pronounce a decision in case RPA1204. The magistrate refused to issue a decision in the case, which had been held for deliberation since June 18, 2012.
- The magistrate allegedly held more than 10 cases taken for deliberation for more than 30 days with no action.

Decision of the Board: The magistrate was fined one third of his salary for one month.

2. CSM RD 04 vs. The State Prosecutor of the N'Djili First Instance Prosecution

Breaches of Discipline: The magistrate allegedly showed gross ignorance of Decree 011/01 of January 21, 2011, on the prohibition of audits and collection of taxes, duties, and other charges payable to the State without a formal request from the appropriate financial authorities. The magistrate allegedly signed requisitions allowing police to investigate in economic matters, customs, taxes, illegal migration, and health.

Decision of the Board: The magistrate was sentenced to a three-month unpaid suspension.

1.1.2. Component 1B: Establish Transparent Organizational Procedures for New Judicial Institutions

New Internal Procedures and Organizational Structure of Judicial Council Adopted and Implemented

Develop Magistrates Database

To properly manage the careers of magistrates, the CSM must have reliable and comprehensive information. However, the CSM has had no database to keep track of information on magistrates' careers, such as years in service, promotions, etc. What little information does exist is obsolete and usually unavailable. To address the issue, ProJustice hired a consultant to develop an easy-to-use database that can be updated as data on individual magistrates changes. During the quarterly period, the consultant finalized the database and ProJustice officially delivered the software to the CSM PS.

Develop an Implementation, Public Awareness, and Communication Plan for the CSM

On November 23, 2012, the CSM Communication Plan was officially presented to the members of the CSM-PS for their final review and comments. After discussions, the plan was amended. The next step is to submit the document to the Office of the President of the CSM, which is scheduled to take place in late January, 2013. The date of this presentation will be between January 25 and February 8, 2013.

DRC Judicial Code Compendium

During this quarter, the development of the Judicial Code made significant progress. Following the layout of the code by the graphic designer, the Judicial Code is now ready to be reviewed and edited by legal experts. ProJustice experienced some difficulties when selecting editors for the code, as the initial candidates did not provide all the necessary administrative documents for recruitment. The project is now awaiting approval for two new consultants before releasing the draft Judicial Code for editing. The consultants will have 15 days to make substantive comments that will be incorporated into the final document. The review and edit of the code is expected to be completed by the second week of February.

New Internal Operating Procedures and Organizational Structures for the Constitutional Court Adopted and Implemented

The President of the Republic has not yet signed the law on the organization and functioning of the Constitutional Court. ProJustice cannot implement activities related to the Constitutional Court until this occurs. The project has led formal and informal advocacy efforts for the proclamation of this law since 2010 but has been unable to achieve significant progress, largely due to a lack of political will on the part of the President and his advisors. In light of this situation, ProJustice proposed alternative activities in its 2013 work plan to be implemented in case the approval of the law on the Constitutional Court does not advance. The work plan was approved by USAID earlier this year and the implementation of alternative activities is being approved on a gradual basis.

1.2. COMPONENT 2: EFFECTIVE AND TRANSPARENT MANAGEMENT OF THE JUDICIARY AND MINISTRY OF JUSTICE

1.2.1. Component 2A: Strengthen the Management Skills of Justice Institution Personnel and Training Institutions

Enhanced Management Skills of the Ministry of Justice and Human Rights (MOJHR) Staff

Meetings with the *École de Formation et de Recyclage du Personnel Judiciaire* (School for the Training and Redeployment of Judicial Staff, EFRPJ)

ProJustice is striving to ensure the continuity and sustainability of its work in the DRC after the project ends by working closely with local partner organizations such as the EFRPJ. For more than 20 years, the administrative structure of the EFRPJ did not function properly. Many staff members of the Ministry of Justice and Human Rights (MOJHR) have never been trained in the use of modern equipment or technology. The project is working with current EFRPJ staff and training them to take over project activities related to training judicial personnel, including on the use of technology.

ProJustice meets at least once a month with the EFRPJ to discuss the activities to be supported, planned, and evaluated. During this quarter, four meetings were held (on November 2 and 15, 2012; and December 14 and 21, 2012). These meetings addressed:

- EFRPJ taking control of training modules for clerks and prosecutors' secretaries
- The use of these modules by all partners in the training of clerks and prosecutors' secretaries
- Planning for training of administrative staff of the EFRPJ
- The review of training modules for clerks and prosecutors' secretaries
- The planning of training sessions for clerks and prosecutors' secretaries (the preparation of correspondence, selection of trainers, and finalization of the training schedule)

Meetings with the CSM-PS

Similarly, ProJustice meets regularly with the CSM-PS in the context of the training of judges. In this quarter, two meetings were held, on November 5 and December 12, 2012. The issues discussed in these meetings included:

- Obtaining the list of substitute prosecutors paid to serve as justices of the peace
- Preparing themes to be developed for functional training of justices of the peace
- The contents of a guide for justices of the peace.

Meetings with the SDE

The SDE is a department of the MOJHR responsible for research in the field of justice in the DRC, and had previously been involved in the training of magistrates. This service is frequently used by the Supreme Court of Justice to conduct research on legal issues requiring clarification.

In a meeting with ProJustice on November 19, 2012, the CSM-PS asked the SDE to assist in the drafting of the guide for justices of the peace. The SDE appointed three writers to assist in the development of this document.

1.2.2. Component 2B: Enhance the Skills and Qualifications of Court Personnel

Standardized Initial and Continuing Training Programs for Court Personnel

ProJustice works to support the mission of state institutions to build the capacity of the Congolese judiciary, through continuing education and other activities. The project assists the CSM and EFRPJ to organize courses for magistrates and clerks and prosecutors' secretaries.

During the reporting period, ProJustice supported two training sessions for EFRPJ staff in Kinshasa, and training for magistrates in Bukavu.

Training of EFRPJ Administrative Personnel

From October 16–19, 2012, ProJustice supported the EFRPJ in organizing a training of 12 of their officers (7 men, 5 women) on the topic of administrative management. This training session was held in Kinshasa at the Ministry of Justice and Human Rights (see **Attachment 1 for the list of attendance**).

Training of Magistrates

From October 2–5, 2012, ProJustice supported the CSM in organizing a training of 33 magistrates (31 men, 2 women) in Bukavu (South Kivu province) focused on procedure before the courts. This training session was implemented jointly with the ABA-ROLI.

1.2.3. Component 2C: Improved Budget and Resource Management by the CSM and MOJHR

Judicial Budgets Adopted Through Transparent Procedures That Increasingly Reflect Real Operational Costs of Justice System Operations

During the quarter from October to December 2012, ProJustice supported activities of the judiciary in the area of budget, focused on the main aspects listed below.

Monitoring the implementation of the Fiscal Year 2012 budget

During the reporting period, ProJustice investigated specific budget line items for the judiciary, including the rates of disbursement of the judicial budget and current actual spending by judicial jurisdictions. This month, the project audited the purchase of basic office supplies (paper, pens, envelopes, folders, etc.) and computer consumables over the past two months, finding the following:

Jurisdictions	Allocated Monthly Budget (Congolese Francs, CDF ¹)	Actual amount received (monthly, CDF)	Percent
Courts of Appeal	1,428,575	600,000	42 %
Prosecutors General	1,428,575	600,000	42 %
First Instance Courts	980,000	380,000	38 %
First Instance Prosecution	980,000	380,000	38 %
Other jurisdictions/offices	750,000	350,000	47 %

It is interesting to know that funds for these essential items for the functioning of the courts have been disbursed. Other budget lines are still in need of significant lobbying before central government authorities to ensure their entire funding. For example, magistrate salaries did not receive the 250 percent increase as promised in the new fiscal year (FY) budget. ProJustice plans to work with the Ministries of Budget and Finance to determine the cause, and to work toward rectifying it.

Monitoring and defense appropriations budget requested for the judiciary from the Economic and Financial Commission of Parliament

In November, the project supported the CSM in meetings with the Economic and Financial Committee of Parliament to advocate for modifications to the judiciary budget.

Exchanges with members of the committee have clarified the following:

- Operating expenses of the courts, estimated at 62,571,435,860.55 Congolese Francs (CDF) (\$68,012,430.28²) were revised upwards by members, to allow the judiciary to have sufficient resources necessary for their operations. They have been increased to CDF 75,620,280,450.48 (\$82,195,957.01), an increase of 20.8%. This is positive news for the judiciary, as jurisdictions and offices have actually begun to receive a portion of the budget allocations for the costs of operations.
- Salaries of magistrates for FY2013 were estimated at CDF 80,935,910,310 (\$87,973,815.55). Like all requested salary allocations of the State, they were revised downwards. The actual allocated funds have been reduced to CDF 42,877,936,411.25 (\$46,606,452.60). The result is a theoretical reduction of 47 percent, but in reality, as compared to current salaries of magistrates, this represents a 25 percent increase.

Consultation with the Permanent Secretariat and USAID for effective implementation of FY 2013 budget for the judiciary

The project held two meetings with the CSM-PS on December 7 and 14, 2012. At these meetings, the participants agreed to request that the mission director of USAID accompany the president of

¹ Average exchange rate, Sept./Oct. 2012: \$1 U.S. Dollar=915 CDF (Source: Central Bank of Congo).

² \$1= 920 CDF for the budget estimates

the CSM in a meeting with the prime minister to support effective implementation of the FY2013 budget in strict compliance with the appropriations allocated to the judiciary. The project set a target date of January 2013 for this meeting, taking into account the availability of the prime minister and the mission director.

Completion of the second part of the training module: financial planning

The ProJustice expert in judicial finance completed the financial planning training module and the first part of the judiciary budget training module on strategic planning in December 2012. Following ProJustice's review and edit, the strategic management module has been reduced from 80 to 60 pages, and the financial management module from 50 to 42 pages. A total of 120 copies of the final versions of these documents (30 for each ProJustice pilot site) will be printed and used to conduct trainings in each of ProJustice's pilot sites. The first series of trainings will be held in Kikwit (Bandundu Province) from January 22–26, 2013.

Drafting of the booklet "Budget Process of the Judiciary in the DRC: what lessons can be learned from the experience of ProJustice?"

ProJustice and USAID have agreed that a booklet detailing lessons learned by ProJustice in the judiciary budgeting process would be a valuable tool. The project began working on this document in October, and will continue until the end of February 2013 to incorporate as much information as possible, including lobbying strategies for increased rates of budget execution.

1.3. COMPONENT 3: MORE EFFECTIVE, TRANSPARENT, AND ACCESSIBLE COURT OPERATIONS IN PILOT JURISDICTIONS

1.3.1. Component 3A: Enhanced Effectiveness and Transparency of Court Management Practices

More Streamlined and Transparent Court Management Procedures and Regulations Established and Implemented in Pilot Courts

ProJustice provides support to courts in each of the four pilot provinces (Bandundu, Bukavu, Kindu, and Lubumbashi), as well as at the institutional level, to strengthen their managerial capacity. This support aims at improving the administrative offices of the courts and pilots to better organize services and to make these services more functional, competitive, and reliable for the benefit of the administration of justice, litigants, and the general population.

During the last quarter, the project has implemented numerous activities, including:

- Assisting clerks and prosecutors' secretaries in the improvement of the classification system of case records stored on shelves and conducting audits of their proficiency in the use of the system
- Developing software to manage court records to facilitate tracking and tracing
- Providing computers and printers to the courts and offices for the use of the above-mentioned software
- Providing expertise in judicial archiving
- Organizing regular meetings among the heads of pilot courts, bar associations, and CSOs working in the justice sector to come together and discuss issues that hinder the proper administration of justice

New File Classification System

The classification of court files is critical to the efficient operation of the courts, as the files

record the progress of cases through the justice system. It is vital that these records be available, easily accessible, maintained, and secure. More importantly, the management of criminal cases requires a deliberate and systematic monitoring of files to ensure that cases advance through the court process in the shortest possible time. Excessive delay results in witnesses forgetting details, the absence or refusal of witnesses to appear, lost evidence, and prolonged pretrial detention of accused persons who may eventually be exonerated. Both victims and the public lose faith in the justice system if cases are not managed efficiently.

In the DRC, offices of court registrars and prosecutors' secretaries are understaffed, and personnel are ill-trained; ill-equipped; and work in cramped, poorly lit, and poorly ventilated file rooms. Their registers are inaccurate because of poor maintenance, and file folders and shelves are in short supply or in a poor state of repair. Files are frequently lost, susceptible to theft or tampering, and incomplete. As a result, it is impossible to screen cases and to select those that are urgent or important and require early disposition.

Clerks and prosecutors' secretaries participated in training sessions in case record management in both 2011 and 2012. This training was then followed by coaching to ensure that the concepts were mastered. Following this coaching, ProJustice Pilot Court Coordinators (PCC) conducted audits to verify the use of proper case management procedures. During the quarter, PCCs audited 150 cases as follows:

Table 1. Case Files Audited, October–December 2012				
Site	October 2012	November 2012	December 2012	Total
Bandundu	-	25	-	25
Bukavu	10	-	20	30
Kindu	25	-	-	25
Lubumbashi	30	20	20	70
TOTAL	65	45	40	150

In conducting the audits in each of the pilot sites, PCCs confirmed that the system is being used correctly by clerks and prosecutors' secretaries, with only minor corrections and guidance required.

Software Development for Management of Court Records

To facilitate the traceability of case records in the court registries, ProJustice finalized the review during the quarter of the JudiciairePro case management software. The program is based on an Access 2007 database and VB.NET (Visual Basic DotNet) programming language. The program will allow for streamlined management of criminal and juvenile cases. ProJustice will monitor and support the use of the program. Depending on the successful use of the software in criminal and juvenile cases, ProJustice may consider extending it to civil case management.

Through the use of JudiciairePro, the courts will be able to provide statistical data relating to criminal cases, and to children in conflict with the law, far faster than using the current system.

A similarly themed meeting with the CSM-PS, ProJustice, and the Pacific Architects and Engineers Group (PAE) was held on December 19, 2012, to discuss the issue of computerization

of case records for military courts. PAE is currently working with the U.S. government through the Department of Defense to develop a military justice case management system in the DRC. The meeting was primarily an opportunity for PAE to explain their work to members of the CSM-PS and explore possible opportunities for collaboration in the civil sector with the program being designed by ProJustice.

Staffing Computers and Printers to Manage Files



The First President of the Lubumbashi Court of Appeals receives equipment for electronic case management from Fabien Buetusiwa, ProJustice Component 2/3 Leader, Lubumbashi; October 26, 2012

For more than a year, ProJustice has supported clerks and prosecutors' secretaries in the management of case files electronically with an Excel database. To ensure sustainability after the end of the project, ProJustice provided two computers and two printers to the Lubumbashi courts (one each to the Prosecutor General's office and the Clerk of the Lubumbashi Court of Appeals). The project provided similar computers in Bukavu and Kindu. The project did not provide computers in Bandundu, as another organization had recently provided them.

In Lubumbashi, the official ceremony to present these computers and printers took place at the monthly ProJustice Program Implementation Committee meeting on October 26, 2012. The donation was followed by ProJustice training of four clerks and prosecutors' secretaries (three men, one woman) in Lubumbashi on the use of the ProJustice database.

Expertise in court records

In the DRC, while there is officially a National Archives Center based in Kinshasa, the reality is that the department is barely functional. It does not function properly due to lack of operational funds, and the few records that are kept are stored in premises and under conditions that are inadequate.

Based on expressed needs of national counterparts and the request of ProJustice, Tetra Tech DPK³ provided funds to field a judicial archiving expert. ProJustice supported the mission of Antonio Varao in DRC from October 7–25, 2012. The consultant held several working sessions with the central government in Kinshasa, the National Archives, the head of Archives of the Kinshasa/Gombé Court of Appeals, the EFRPJ, the SDE, the director of archives of the Faculty of Letters of the University of Kinshasa, and the First Secretary of the Prosecutor General of the Republic.

Following these meetings, the expert conducted field assessment missions that took him to each of the four ProJustice pilot sites.

The expert presented his preliminary conclusions to 27 different members of the organizations cited above (19 men, 8 women) on October 24, 2012. He sent his final deliverables to ProJustice in December 2012.

This process is ongoing. ProJustice is advocating for a declaration by the First President of the Supreme Court to provide guidance aimed at the effective implementation of a national Chart of Archives.

Pilot Site Program Implementation Committees

ProJustice's approach to improving administration of the judiciary in the four pilot court jurisdictions is through community development and partnership. The various levels of courts and prosecutors' offices tend to function independently of one another in the pilot jurisdictions. For the pilot courts to succeed in their goals, the stakeholders must collaborate. Autocratic values, a hierarchical system, and lack of resources to support attendance at regular meetings lead to poor communication, disparate priority setting, lack of collaboration, and the absence of shared goals. Lawyers and CSOs working in the justice sector are commonly excluded from judicial operations and thus have little input into the management of the system. Another issue is that most heads of jurisdiction (e.g., prosecutors general) lack the managerial skills to run democratic meetings.

To address these shortcomings, the project initiated regular planning meetings with all stakeholders. The PCCs facilitate meetings by setting agendas, booking meeting facilities, scheduling meetings, providing financial support for attendance, managing the meetings, and ensuring that minutes are taken, distributed, approved, and followed up on.

ProJustice supported the following Program Implementation Committee meetings in two of the pilot sites during the quarter:

Table 2. Action Plan Committee Meetings and Participants, October–December 2012				
Site	Date (2012)	Beneficiaries	Men	Women
Bandundu	November 23	Judicial personnel (magistrates, clerks, prosecutors' secretaries), Bar associations, NGO representatives	13	0
Lubumbashi	October 26		10	0
TOTAL			23	0

³ This activity was supported entirely by overhead funds from Tetra Tech DPK. Although direct approval from USAID was not required, project staff consulted with and received concurrence from the Contracting Officer's Representative (COR) prior to the beginning of the consultant's mission.